

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

CHERELLE LEE, on behalf of L.C., a	)	
Minor Child,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. CIV-20-465-F
	)	
CITY OF OKLAHOMA CITY,	)	
OKLAHOMA, and	)	
KYLE HOLCOMB,	)	
	)	
Defendants.	)	

**ORDER**


Before the court is Defendant Kyle Holcomb’s Motion to Compel Discovery Responses and Brief in Support, filed on August 25, 2020 (doc. no. 16). The court has carefully reviewed the motion and the response, doc. no. 19.

At the heart of defendant’s argument is defendant’s stated desire “to attempt to determine the extent of L.C.’s mental and emotional distress and ongoing physical pain and suffering by determining if L.C. has discussed the incident and/or his damages with his friends, and by inquiring about the nature of those conversations and the damages the friends have observed.” Doc. no. 16, at 3. To accomplish that, defendant seeks to discover the identities of L.C.’s “three closest friends.” Doc. no. 16-1, at 3. The fact that defendant shot L.C., alleged to have been a fourteen-year-old boy at the time of the shooting, is not in issue. Doc. no. 7, ¶ 23. The court acknowledges that, absent strong countervailing considerations, the discovery sought in Interrogatory No. 19 might well be entirely appropriate. It is easily conceivable that discovery of this general sort might be appropriate in a case

involving an adult plaintiff, especially one complaining of a more ephemeral or subjective type of injury. However, strong countervailing considerations (including considerations of proportionality, the importance of the discovery at issue here to the determination of the truly decisive issues in this case, and the interests of third parties) compel the court to deny the motion. *See*, Rule 26(b)(1), Fed.R.Civ.P. If, at a later stage (but before the discovery completion date), defendant is able to demonstrate that there may be a serious question as to whether the boy suffered mental or emotional distress, or physical pain and suffering, as a result of being shot, this issue may be revisited by way of a renewed motion to compel.

The September 9, 2020 motion hearing is stricken.

DATED this 8<sup>th</sup> day of September, 2020.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE